



Board of Adjustment Case Report

City of Raleigh
Planning & Development Department
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

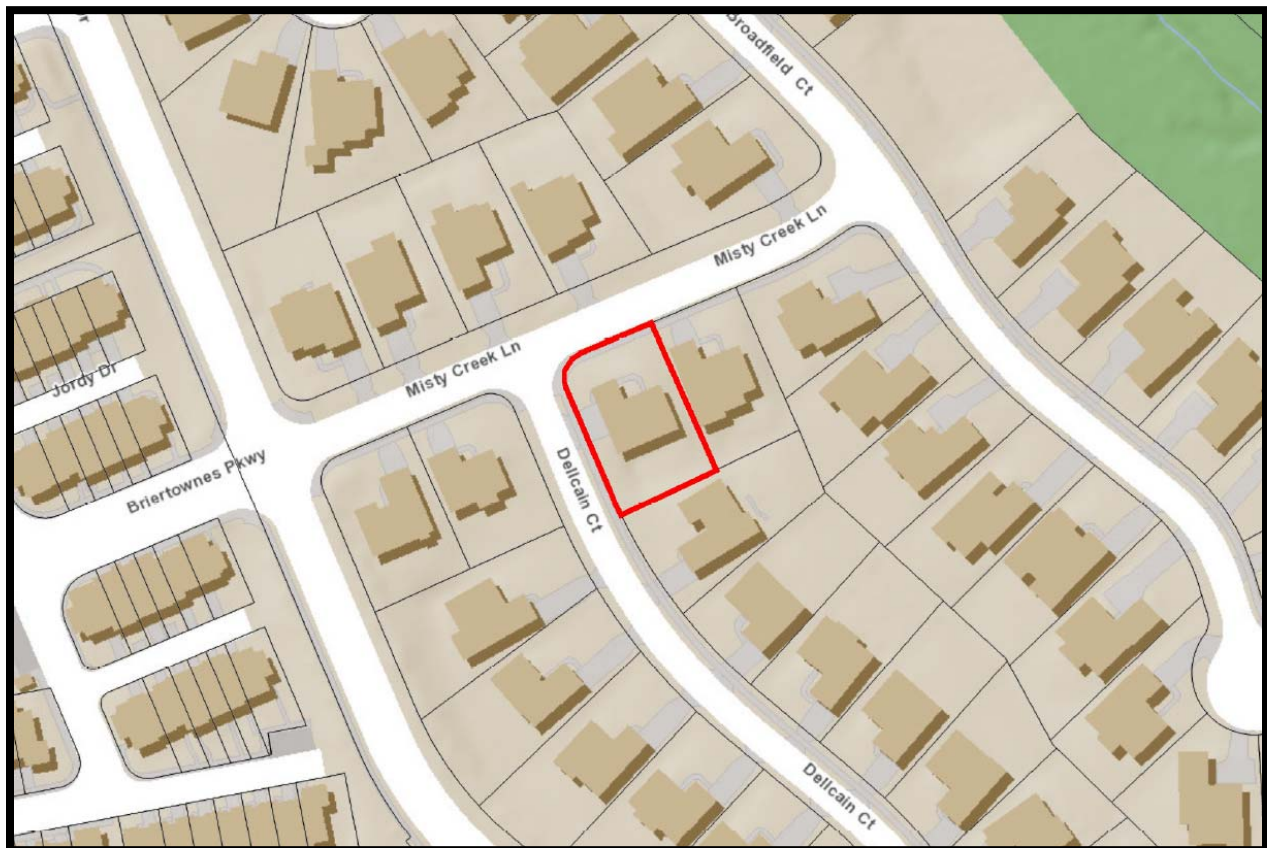
Case File: A-36-17

Property Address: 9409 Misty Creek Lane

Property Owner: Yuying Zhang

Project Contact: Ashley Talarico

Nature of Case: Yuying Zhang, property owner, requests a Special Use Permit on behalf of prospective tenant, Ashley Talarico, to operate a live-work business for massage therapy pursuant to Sections 6.7.3.E. and 10.2.9. of the Unified Development Ordinance on a .25 acre property zoned Residential-4 and located at 9409 Misty Creek Lane.



9409 Misty Creek Lane – Location Map

**ADDITIONAL
NOTES:**

Tenant and prospective business operator, Ashley Talarico, previously received a Special Use Permit in 2015 (A-90-15) to operate this live-work business in a nearby detached house at 9208 Meadow Mist Court but is now looking to relocate both her residence and the business to this new location.

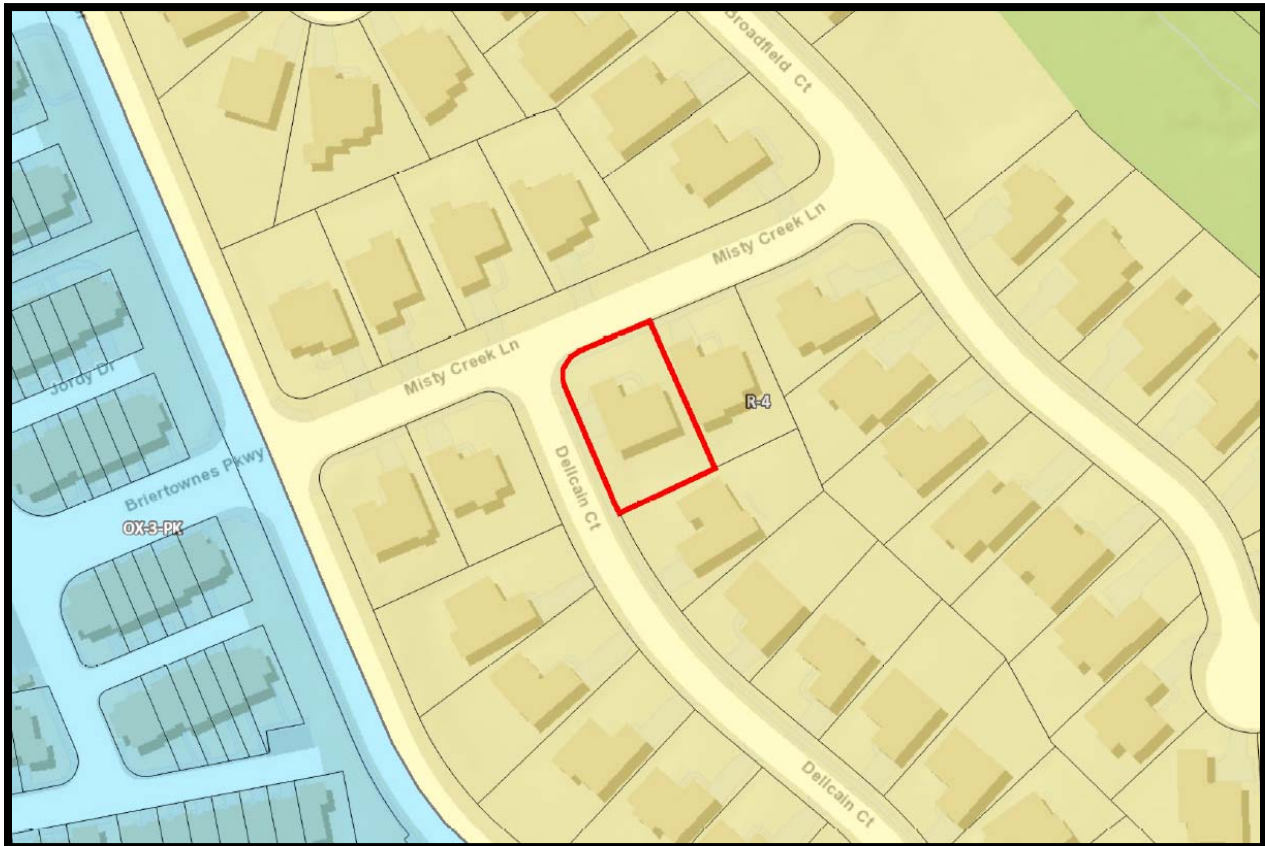
**PREVIOUS
VARIANCES:**

None

To BOA: 3-13-17

Staff Coordinator: Eric S. Hodge, AICP

Zoning District: Residential-4

**9409 Misty Creek Lane - Zoning Map**

SHOWINGS: In accordance with UDO §10.2.9 Special Use Permit, before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;
2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

Sec. 6.7.3.E.. Live Work

Live-Work An occupation that provides a service or product that is conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to visit.

1. In a Residential District, a special use permit issued in accordance with Sec. 10.2.9. is required for a live-work unit.
2. A minimum of 1 individual must occupy the live-work unit as their primary place of residence.
3. The live-work unit may employ no more than 2 individuals not living on the premises at any one time.
4. Work space within the unit may be used as an office, studio, gallery, beauty/ hair salon, or for production involving the use of hand tools and small-scale, light equipment.
5. Resale of items such as, but not limited to, antiques, jewelry and clothing may be permitted in addition to handmade items produced in the live-work unit.
6. No specialty service such as, but not limited to, dance instruction, crafts, or music lessons shall be provided for a group larger than 5 persons.
7. No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the live-work unit or a fully-enclosed accessory structure only.
8. Except for permitted signage, there must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the work inside.
9. Signage is limited to 1 unlit wall or projecting sign no larger than 3 square feet in area, attached to the structure housing the live-work unit.

10. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

11. Only 1 vehicle used in connection with the live-work use shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs, as listed on the vehicle registration form, and no advertising or reference to the use may be displayed on the vehicle in any manner.

12. No more than 5 customers are permitted on the premises at any one time.

13. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

14. One additional on-site parking space is required per live-work unit.

Special Use Permit Application

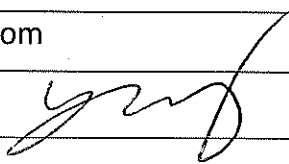

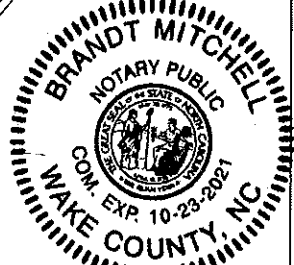


RALEIGH For Submittal or Data
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Nature of request (Submit addendum on separate sheet, if more space is needed.) 1) Nature of the Business: See Additional Addendum 2) On November 9, 2015, a special use permit was granted to Women's Wellness Massage at 9208 Meadow Mist Court, Raleigh.	OFFICE USE ONLY
	Transaction Number A - 36 - 17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous special use permit request, provide the case number.	

GENERAL INFORMATION		
Property Address 9409 Misty Creek, Raleigh, NC 27617		Date 2.8.17
Property PIN 0758748229	Current Zoning Residential	
Nearest Intersection Dellcain Court	Property size (in acres) .25	
Property Owner ZHANG, YUYING	Phone 919-633-0564	Fax
Owner's Mailing Address 502 WILLOWMERE CT 502 Willowmere Ct, Cary, NC 27513		
Email yuyingzhang@yahoo.com		
Project Contact Person Ashley Talarico	Phone 201-258-0505	Fax
Contact's Mailing Address 9208 Meadow Mist Court, Raleigh, NC 27617		
Email ashley@wwmraleigh.com		
Property Owner Signature 		
Notary Sworn and subscribed before me this <u>9</u> day of <u>February</u> , 20 <u>17</u>		Notary Signature and Seal  

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A Special Use Permit Application will not be considered complete until all required submittal components listed on the Special Use Permit Checklist have been received and approved.

Women's Wellness Massage - Special Use Permit

Addendum 2.8.17

About Women's Wellness Massage:

Women's Wellness Massage (WWM) is an in-home studio located in the Brier Creek neighborhood of North Raleigh, offering many different modalities of massage specifically developed for women. Women's Wellness Massage specializes in fertility massage and prenatal massage and is designed to cater to your personal needs. WWM is owned and operated by licensed and fully insured therapist, Ashley Talarico. Ashley's goal is to provide women with a safe and nurturing place to understand and achieve total wellness throughout the women's lifecycle. She welcome's her clients into the privacy of her home to educate them on the benefits of massage therapy. WWM will provide you with a comfortable, safe environment and you will always leave feeling relaxed and rejuvenated.

History of Women's Wellness Massage:

On October 5, 2015, Women's Wellness Massage applied for a Special Use Permit to operate at 9208 Meadow Mist Court, in Raleigh. This permit application was approved on November 9, 2015 without any issues whatsoever. Since that time, WWM has operated, occupying one downstairs bedroom and bathroom, with zero negative occurrences or impact on the community. Ashley Talarico is the single therapist, WWM has no employees. Clients are seen on a one-on-one basis. Historically, three to six clients are seen per week, with the business operating approximately 45 weeks per year. There is no exterior signage of any kind. The purpose of this application is to re-locate the existing business.

About Ashley Talarico:

Ashley is licensed by the North Carolina Board of Massage Therapy. Her focus is to provide the highest quality of massage therapy in the Raleigh area. Ashley has been trained and certified in Fertility Massage and Integrative Reflexology by Claire Marie Miller, who is extremely well known in the women's health community. Ashley is also certified in Swedish Massage and Trigger Point Therapy. Women's Wellness Massage is affiliated with many local resources in the Raleigh area including fertility clinics, OBGYN's, acupuncturists and chiropractic clinics.

Ashley's passion is to help guide women through the stages of a healthy pregnancy with the assistance of massage therapy. She will work with you individually in order to provide a care program that is catered to your specific needs.

Prior to opening Women's Wellness Massage in Raleigh, Ashley worked as a massage therapist at The Umstead Hotel and Spa. She has two children, ages two and five. In her experiences with conception and pregnancy, Ashley personally utilized the techniques she now implements.

Contact Information:

Ashley Talarico NC LMBT# 09747
9208 Meadow Mist Court
Raleigh, North Carolina 27617
Call/Text: (201) 258-0505
Email: ashley@wwmraleigh.com

For more information and publications visit: womenswellnessmassage.com

WOMEN'S WELLNESS MASSAGE - UDO RESPONSE

Live-Work: An occupation that provides a service or product that is conducted wholly within a residential dwelling that allows employees, customers, clients or patrons to visit.

1. In a Residential District, a special use permit issued in accordance with Sec. 10.2.9. is required for a live-work unit.

Women's Wellness Massage has applied for a special use permit in accordance with Sec. 10.2.9 for live-work.

2. A minimum of 1 individual must occupy the live-work unit as their primary place of residence.

Ashley Talarico and Nicholas Talarico of Women's Wellness Massage will occupy the live-work unit as their primary residence.

3. The live-work unit may employ no more than 2 individuals not living on the premises at any one time.

Women's Wellness Massage has no intention of hiring employees. Ashley Talarico and Nicholas Talarico shall manage the business. Licensed therapist, Ashley Talarico, will provide massage services.

4. Work space within the unit may be used as an office, studio, gallery, beauty/ hair salon, or for production involving the use of hand tools and small-scale, light equipment.

Women's Wellness Massage intends to use one downstairs bedroom and adjacent bathroom for facilitating the operations of the business.

5. Resale of items such as, but not limited to, antiques, jewelry and clothing may be permitted in addition to handmade items produced in the live-work unit. ***Women's Wellness Massage may sell certain products related to massage therapy, women's wellness, and pregnancy.***

6. No specialty service such as, but not limited to, dance instruction, crafts, or music lessons shall be provided for a group larger than 5 persons.

Women's Wellness Massage will see clients on a one-on-one basis. It is not anticipated that multiple clients will be present at the same time.

7. No business storage or warehousing of material, supplies or equipment is permitted outdoors. Storage is permitted in the live-work unit or a fully enclosed accessory structure only.

Women's Wellness Massage understands this criteria and will comply.

WOMEN'S WELLNESS MASSAGE - UDO RESPONSE

8. Except for permitted signage, there must be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the work inside.

Women's Wellness Massage will not display any business signage outside the premises.

9. Signage is limited to 1 unlit wall or projecting sign no larger than 3 square feet in area, attached to the structure housing the live-work unit.

Women's Wellness Massage will not display any business signage outside the premises.

10. No equipment, vehicle or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.

Women's Wellness Massage understands this criteria and will comply.

11. Only 1 vehicle used in connection with the live-work use shall be parked or stored on the premises; provided, however, the vehicle must not be a bus, truck, van, trailer or other vehicle over 6,000 lbs, as listed on the vehicle registration form, and no advertising or reference to the use may be displayed on the vehicle in any manner.

Women's Wellness Massage understands this criteria and will comply.

12. No more than 5 customers are permitted on the premises at any one time.

Women's Wellness Massage understands this criteria and will comply.

13. The requirements for shipping and receiving of materials in connection with the business does not create excessive noise or traffic.

Women's Wellness Massage understands this criteria and will comply.

14. One additional on-site parking space is required per live-work unit.

Women's Wellness Massage intends to operate at the property located at 9409 Misty Creek Lane, which has three additional on-site parking spaces.

Contact:

Ashley Talarico
Licensed Massage Therapist #09747

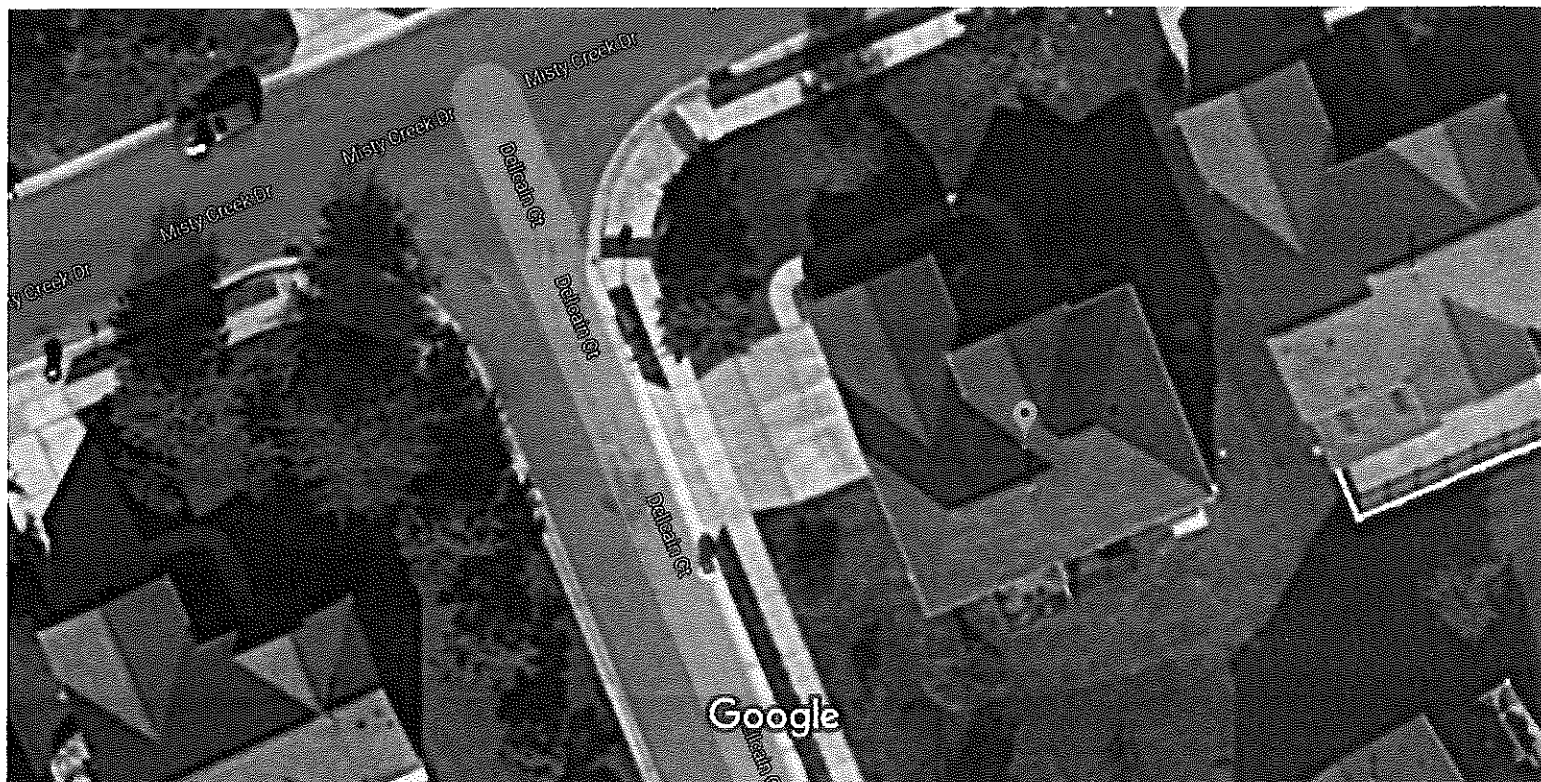
Women's Wellness Massage, LLC. Raleigh, North Carolina

Call/Text: (201) 258-0505
Email: ashley@wwmraleigh.com



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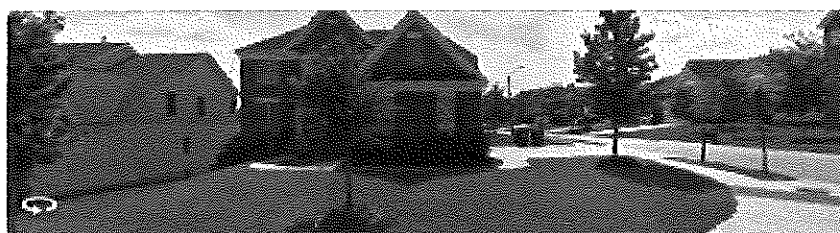
Google Maps 9409 Misty Creek Dr



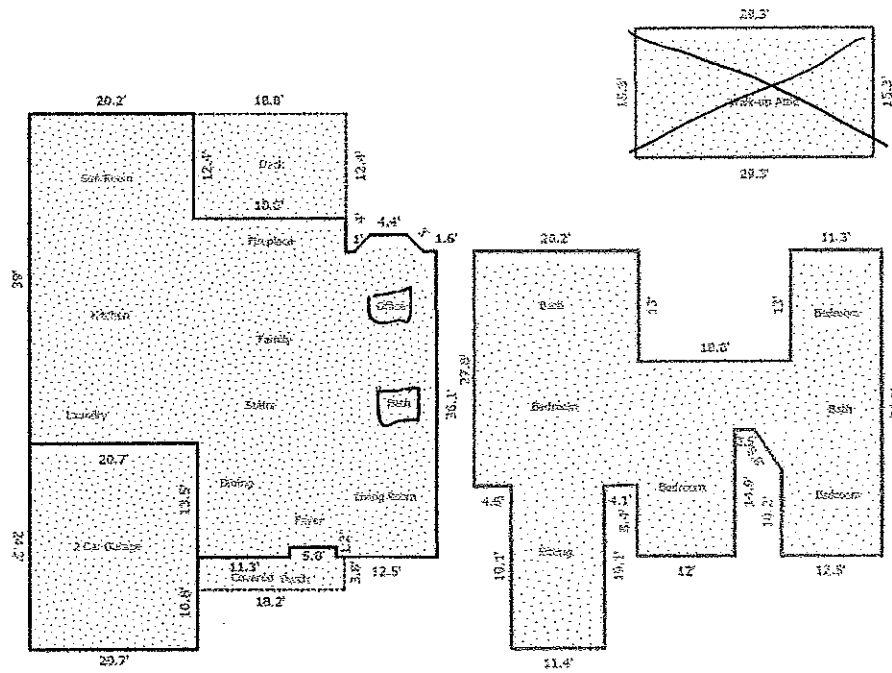
Map data ©2017 Google 20 ft



9409 Misty Creek Dr
Raleigh, NC 27617



At this location



Shaded Area is Not Included

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Net Size	Net Totals
GLA1	First Floor	1947.07	1947.07
GLA2	Second Floor	1541.68	1541.68
GAR	Garage	501.57	501.57
P/P	Porch	75.49	
	Wood Deck	233.84	309.33
OTH	Walk-up Attic	449.85	449.85
Net LIVABLE Area		(rounded)	3205

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
0.5 x	0.0 x	22.6	0.22
0.5 x	0.0 x	12.4	0.07
0.5 x	0.0 x	4.0	0.01
0.5 x	2.1 x	2.1	2.21
0.5 x	0.0 x	12.5	0.31
1.2 x	1.2 x	12.5	14.59
1.2 x	1.2 x	11.3	13.23
12.3 x	12.3 x	29.6	363.37
50.3 x	50.3 x	22.6	1135.16
20.2 x	20.2 x	12.4	250.41
39.0 x	39.0 x	4.0	156.04
4.4 x	4.4 x	2.1	9.27
0.5 x	2.1 x	2.1	2.21
Second Floor			
11.4 x	11.4 x	15.1	217.86
0.5 x	0.0 x	13.0	0.10
0.5 x	0.0 x	13.0	0.21
0.5 x	0.0 x	12.5	0.31
14.3 x	14.3 x	12.5	186.45
0.5 x	0.0 x	8.1	0.04
8.4 x	8.4 x	12.0	100.80
0.5 x	0.0 x	6.5	0.03
0.5 x	0.0 x	0.1	0.00
20.2 x	20.2 x	13.0	262.60
11.3 x	11.3 x	13.0	146.25
0.5 x	4.8 x	3.3	7.72
50.3 x	50.3 x	6.1	406.27
29 Items		(rounded)	2480

3205

Owner	Address1	Address2	Address3
ZHANG, YUYING	502 WILLOWMERE CT	CARY NC 27513-9745	0
LIN, JOSEPHINE A LIN, APOLLO	11704 DELLCAIN CT	RALEIGH NC 27617-4252	0
SETIA, ALBERT PRAJUGO, VANDA	9505 MISTY CREEK LN	RALEIGH NC 27617-4251	0
MUTHAKANA, PURUSHOTHAM MUTHAKANA, KALYANI	9504 MISTY CREEK LN	RALEIGH NC 27617-4250	0
RAHIMI, MARAI	9500 MISTY CREEK LN	RALEIGH NC 27617-4250	0
RAMIREZ, JONATHAN FRANCO-RAMIREZ, VANESSA	11708 DELLCAIN CT	RALEIGH NC 27617-4252	0
HOWERING, JACOB A HOWERING, KRISTEN D	9408 MISTY CREEK LN	RALEIGH NC 27617-4248	0
KITTS, KEVIN K KITTS, MELISSA E	11705 DELLCAIN CT	RALEIGH NC 27617-4253	0
BERKOWITZ, STANLEY C BEZNER, ARLENE	9405 MISTY CREEK LN	RALEIGH NC 27617-4249	0
TRINH, MICHAEL	11644 BROADFIELD CT	RALEIGH NC 27617-8628	0
TLALKA, IRENA U	11711 DELLCAIN CT	RALEIGH NC 27617-4253	0
YAMALA, SUMANTH KORA, SIREESHA V	11700 BROADFIELD CT	RALEIGH NC 27617-4254	0
TAYLOR, BRIAN K TAYLOR, ALYSIA N BAILEY	11708 BROADFIELD CT	RALEIGH NC 27617-4254	0
KIRK, PAUL KIRK, TAMARA KLINTWORTH	11704 BROADFIELD CT	RALEIGH NC 27617-4254	0